

II. REMARKS/ARGUMENTS

A. Summary of the Amendments

The application now contains 28 claims.

Claim 25 has been amended for consistency with the claims of corresponding parent application No. 09/990,320. New dependent claim 52 has been added accordingly. No new matter has been added by way of these amendments.

B. Summary of Rejection and Reply

Claim Rejections under 35 USC §102

In the Office Action, the Examiner has rejected claims 25-38 and 43-51 under 35 USC §102(e) as being anticipated by U.S. Patent 6,287,340 (hereafter to be referred to as "Altman").

For the reasons presented below, Applicants respectfully traverse the Examiner's rejection, and submit that independent claim 25, as amended, is in allowable form.

For ease of reference, the Examiner's attention is respectfully directed towards independent claim 25, and in particular the sections shown in bold:

A method of preparing an implant for connective tissue substitution in an animal, said method comprising the steps of:

- a) providing a pair of bone anchors joined at their proximal ends by at least one support filament, said bone anchors having been joined with said support filament *ex vivo*;

b) incubating said pair of bone anchors in a solution containing matrix forming molecules for a period of time sufficient for the **formation of at least one matrix layer around said support filament**,
wherein said matrix layer is of sufficient thickness to allow for colonization by cells, and **wherein said matrix layer is dehydrated or lyophilized prior to implantation**.

Applicants respectfully submit that Altman does not disclose, teach or suggest the invention as claimed in independent claim 25 as amended, and respectfully submit the following.

In the Office Action, the Examiner argues that Altman discloses “a cylindrical 3-dimensional matrix formed of collagen gel” and that this subject matter is considered to be analogous to the “support filament” of instant claim 25. With regard to the “matrix layer” recited in instant claim 25, the Examiner argues that this element is analogous to “materials such as laminin, fibronectin, or factors containing arginine-glycine-aspartate peptides...attachment” described in Altman as a possible material for “infusing” (e.g. coating) the “anchor material” (column 5, lines 37-45 of Altman). In summary, the Examiner’s comments appear to suggest the following:

Element of instant claim 25	Alleged analogous subject matter described in Altman
“support filament”	“cylindrical 3-dimensional matrix formed of collagen gel”
“matrix”	“laminin, fibronectin...”

Taking into consideration the just noted interpretation, Applicants respectfully submit that “laminin, fibronectin...” noted in Altman is not analogous to the “matrix” of instant claim 25 for the following reasons.

Firstly, Altman does not disclose or suggest that "laminin, fibronectin..." is formed around and "has a thickness sufficient to allow for colonization by cells" as recited in respect of the "matrix layer" of instant claim 25.

Secondly, Altman does not disclose or suggest that "laminin, fibronectin..." is "dehydrated or lyophilized prior to implantation" as recited in respect of the "matrix layer" of instant claim 25.

Thirdly, Altman does not disclose or suggest that "laminin, fibronectin..." is formed around the "cylindrical 3-dimensional matrix formed of collagen gel" which is considered analogous to the instant "support filament" according to the above interpretation. Rather, Altman discloses that "laminin, fibronectin..." may possibly coat the "anchor material". Indeed, the suggested materials are proposed to "enhance anchor attachment" (column 5, line 47 of Altman). Therefore, Altman does not disclose or suggest "formation of at least one matrix layer around said support filament" as recited in instant claim 25.

In view of the above, Applicants respectfully submit that "laminin, fibronectin..." described in Altman are not analogous to the "matrix layer" recited in instant claim 25. Therefore, Altman does not disclose the subject matter of claim 25 as amended, even under the interpretation noted above.

As per §2131 of the MPEP, in order "to anticipate a claim, the reference must teach every element of the claim". Since Altman does not teach every element of independent claim 25, Altman does not support a rejection based on anticipation. Accordingly, Applicants respectfully submit that claim 25 is novel over Altman and respectfully request that the rejection of independent claim 25 be withdrawn.

Claims 26-38 and 43-51 depend from independent claim 25, and as such incorporate by reference all the limitations contained therein. Therefore, for the

same reasons as those presented above with respect to independent claim 1, Applicants respectfully request that the rejection of dependent claims 26-38 and 43-51 be withdrawn.

CONCLUSION

It is respectfully submitted that the claims are in condition for allowance. Reconsideration of the rejection is requested. Allowance of the claims at an early date is solicited.

It is believed this responds to all of the Examiner's concerns, however if the Examiner has any further questions, she is invited to contact the undersigned. Further, If the Examiner does not consider that the application is in a form for allowance, an interview with the Examiner is respectfully requested.

April 22, 2005

Date

Respectfully submitted,
SMART & BIGGAR



S. Serge Shahinian
Reg. No. 52,533
Agent for the Applicant

SMART & BIGGAR
1000 de la Gauchetiere West
Suite 3300,
Montreal, Quebec H3B 4W5
CANADA